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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,087	06/30/2003	Milton Gregory Matlock	8564-000029/US	8112
33727	7590	03/24/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			GOINS, DAVETTA WOODS	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/608,087	Applicant(s) MATLOCK ET AL.	
	Examiner Davetta W. Goins	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-13 and 15-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kliman et al. (US Pat. 6,262,550 B1).

In reference to claims 1, 12, 18, 21, 23-25, Kliman discloses a) the claimed plurality of sensors for monitoring operating conditions of a motor, which is met by motor unit 12 acquiring data of motor 16 from sensors such as vibration, current, voltage, stray flux and motor temperature (col. 5, lines 55-67; col. 6, lines 26-67; col. 7, lines 1-64), and b) the claimed removable data storage device for storing data relating to the monitored conditions and co-located from the motor, which is met by motor unit 12 including computer hardware 15, such as a hard-drive disk and CDROM; communication module, modem or network card (col. 5, lines 45-54).

In reference to claims 2, 10, 19, Kliman discloses the claimed database having stored therein tolerance values for operating conditions, which is met by database 25 (col. 10, lines 45-58).

In reference to claims 3, 4, 9, 11, 20, Kliman discloses the claimed data analysis component for comparing the data relating to the monitored operating conditions, and configured to provide a warning indication, which is met by monitoring unit 12 and 14 generating alarms or warnings

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when certain sensor signals exceed predefined ranges or when certain motor conditions occur (col. 6, lines 6-18).

In reference to claims 5, 12, Kliman discloses the claimed operating conditions comprise at least monitoring bearing temperature, such as overheating, low voltage, over voltage, improper ventilation, and high ambient temperature, which is met by motor unit 12 acquiring data of motor 16 from sensors such as vibration, current, voltage, stray flux and motor temperature (col. 5, lines 55-67; col. 6, lines 26-67; col. 7, lines 1-64).

In reference to claims 6, 13, 15, Kliman discloses the claimed removable data storage device is configured for remote interface, which is met by a MCC Unit 14 in communication with the Motor Unit 12 at a remote location; the motor unit 12 and MCC unit 14 in communication with each other via Communication Link 20 such that the motor can be monitored by Motor control center 18 (Fig. 1).

In reference to claims 7, 16, Kliman discloses the claimed power source, which is met by a digitally controlled stimulus Power Supply 42 (col. 8, lines 49-56).

In reference to claim 17, Kliman discloses the claimed programmable device configured to store data to the data storage device at predetermined time intervals and maintaining storage of the data for a predetermined period of time, which is met by motor information stored and retrieved from database 25 (col. 10, lines 45-58).

In reference to claim 22, Kliman discloses the claimed method of providing a warning indication when at least one monitored condition is determined to exceed a threshold, which is met by monitoring unit 12 and 14 generating alarms or warnings when certain sensor signals exceed predefined ranges or when certain motor conditions occur (col. 6, lines 6-18).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kliman et al.

In reference to claims 8, 14, although Kliman does not specifically disclose the claimed user activated component for generating a signal when activated by a user, he does disclose a motor unit 12 including hardware 15 such as a keyboard and input and output connections to allow communication to the MCC Unit 14 and motor control center 18 (col. 5, lines 45-67; Figure 1). Since Kliman discloses a system that includes an input at the motor that allows communication of the sensed condition of the motor with a remote site, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a user activated component, such

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as through Kliman's keyboard, to allow the system to immediately determine the motor's condition upon retrieval from a user.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davetta W. Goins
Primary Examiner
Art Unit 2632

D.W.G.
October 2, 2005